

207818

BEFORE THE
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad
Between BNSF M.P. 87.02 near Blue Hill,
Webster County, Nebraska
and M.P. 96.30 near Bladen, Webster County,
Nebraska

NOTICE OF EXEMPTION
Docket No. AB-6
(Sub-No. 404X)



419

TO THE SURFACE TRANSPORTATION BOARD:

The Burlington Northern and Santa Fe Railway (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between BNSF M.P. 87.02 near Blue Hill, in Webster County, Nebraska and M.P. 96.30 near Bladen, in Webster County, Nebraska, a total distance of 9.28 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the Notice, respectfully provides the following information:

- I. Proposed consummation date for the abandonment.

July 7, 2003

ENTERED
Office of Proceedings

MAY 15 2003

Part of
Public Record

- II. Certification required in 49 C.F.R. § 1152.50(b)

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

FILED
MAY 15 2003
SURFACE
TRANSPORTATION BOARD

TRANSPORTATION BOARD

FEE RECEIVED
MAY 15 2003

III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway
Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Blue Hill to Bladen, Nebraska line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr., Suite 3000
Chicago, IL 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Blue Hill to Bladen, Nebraska line traverses
United States Postal Service Zip codes 68928 and 68930.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

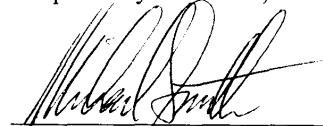
The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

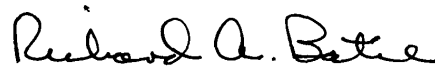
Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: May 14, 2003

VERIFICATION

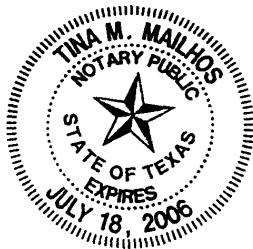
STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

Richard A. Batie makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 404X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.



Richard A. Batie
Manager, Shortline Development

Subscribed and sworn to before me the 13 day of May, 2003.

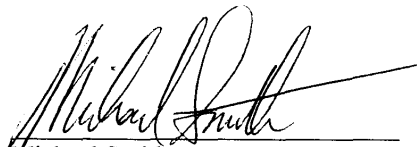



Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
NO. AB-6 (Sub No. 404X)

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Nebraska Public Service Commission; the Nebraska Department of Roads; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on April 14, 2003; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on April 14, 2003; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on April 14, 2003; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on April 16, 2003 in the Red Cloud Chief, affidavit of publication is attached.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: May 14, 2003

Proof of Publication

STATE OF NEBRASKA
WEBSTER
COUNTY

SS.

Dale R. Worley of lawful age, being duly sworn upon oath states that he is Publisher of *The Red Cloud Chief*;

THAT said newspaper is a legal weekly newspaper published at Red Cloud, in Webster County, Nebraska;

THAT said newspaper is a legal newspaper under the Statutes of Nebraska;

THAT this paper has entered as periodical class mail matter at the post office of its publication;

THAT said paper was published within said county for over fifty-two (52) successive weeks prior to the publication of said notice;

THAT said paper has general paid circulation on a weekly basis in WEBSTER County, Nebraska, and is NOT a trade, religious or fraternal publication; and that it has at all times herein mentioned, had a bona fide circulation of over three hundred copies weekly;

THE ATTACHED was published in said newspaper, and not in a supplement, on the following dates:

1st
Publication was made on the 16th day of April, 2003

2nd
Publication was made on the _____ day of _____, 20____

3rd
Publication was made on the _____ day of _____, 20____

4th
Publication was made on the _____ day of _____, 20____

5th
Publication was made on the _____ day of _____, 20____

Publication Fee \$28.18

Affidavit Notary's Fee \$ _____

Additional Copies _____ @ _____ \$ _____

Total Publication Fee \$28.18

(Sign) _____

Witness my hand this 6th day of May, 2003

SUBSCRIBED AND SWORN to before me this 9 day of May, 2003

Marietta Garwood
(Notary Public)

My commission expires April 3, 2005



NOTICE OF INTENT TO ABANDON

The Burlington Northern and Santa Fe Railway Company gives notice that on or after May 6, 2003, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F — Exempt Abandonments permitting the abandonment of or discontinuance of service on 9.28 miles of railroad line between railroad Milepost 87.02 near Blue Hill, Webster County, Nebraska and Milepost 96.30 near Bladen, Webster County, Nebraska, which line segment traverses through United States Postal Zip Codes 68928 and 68930. The proceeding will be docketed as No. AB-6 (Sub No. 404X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a), and one copy must be served on applicants' representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724. Publish April 16, 2003.

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between M.P.
87.02 near Blue Hill, Nebraska
and M.P. 96.30 near Bladen,
Nebraska

Docket No. AB-6
(Sub No. 404X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 87.02 near Blue Hill, Nebraska and M.P. 96.30 near Bladen, Nebraska, total distance of 9.28 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any railline and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The Webster County Board of Commissioners has determined that the proposed action is consistent with local land use plans. Furthermore, there is no desire for alternative public use for the corridor. See Exhibit B, letter from the Board of Commissioners, Webster County, Nebraska.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The area to be abandoned is not cropland and will not effect any Farmland Protection Policy Act provisions. See Exhibit C, letter to the Natural Resource Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The Webster County Board of Commissioners has determined that the proposed action is consistent with local land use plans and there is no desire for alternate public use for the corridor. See Exhibit B.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are 9 public crossings and 7 private crossings. During salvage operations on the line, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There is no evidence of known hazardous waste site or sites were there have been known hazardous materials spills on the right of way between Blue Hill and Bladen, Nebraska (milepost 87.02 to 96.30).

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

There is no documented occurrence of threatened/endangered species or their critical habitats in the affected area. See Exhibit D, letter from the Nebraska Game and Parks Commission. No federally listed or proposed threatened or endangered species are expected to occur within the project area. See Exhibit E, letter from the U.S. Fish and Wildlife Service.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

There are no wildlife management areas, wildlife refuges, or public access recreation areas adjacent to the proposed abandonment. See Exhibit D, letter from the Nebraska Game and Parks Commission. The proposed project does not appear to impact federal fish and wildlife management facilities. See Exhibit E, letter from the U.S. Fish and Wildlife Service. Land status records of the U.S. Department of the Interior indicate that there are no public lands on or near the project. See Exhibit F, letter from the Bureau of Land Management.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF does not anticipate any inconsistencies with applicable Federal, State or local water quality standards. The Nebraska Department of Environmental Quality has been notified and as of the date of this report, has not responded. See Exhibit G, letter to the Nebraska Department of Environmental Quality, NPDES Permits Unit.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

A Section 404 permit will not be required. See Exhibit H, letter from the Army Corps of Engineers. The Webster County Board of Commissioners have determined that there should be no issue where the proposed abandonment would affect any 100-year floodplains. See Exhibit B.

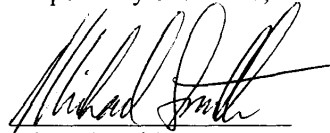
(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

The Nebraska Department of Environmental Quality has been notified and as of the date of this report, has not responded. See Exhibit G, letter to the Nebraska Department of Environmental Quality, NPDES Permits Unit.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: May 14, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between M.P.
87.02 near Blue Hill, Nebraska
and M.P. 96.30 near Bladen,
Nebraska

Docket No. AB-6
(Sub No. 404X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P. 87.02 in Blue Hill, Nebraska to M.P. 96.30 near Bladen, Nebraska, a total distance of 9.28 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Nebraska State Historical Society and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The 9.28 mile Blue Hill to Bladen, NE line is located in Webster County, Nebraska. The right of way is rural in nature and much of the surrounding farmland produces feedgrains. The Nebraska state highway map lists Blue Hill with a population of 810 and Bladen with a population of 280. The right of way is 100 feet wide except for the station grounds at Bladen where it expands to 300 feet in width. The surrounding countryside is gently rolling to flat.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are six bridges that are 50 years or older in the immediate area of the abandonment. Photographs of the six are attached to this report. See Exhibit I.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

The dates of construction of the bridges are included with the photographs. See Exhibit I.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way of the Blue Hill to Bladen, NE line was acquired in 1886 by the Nebraska and Colorado Railroad Company, a predecessor of the Chicago Burlington and Quincy Railroad Company (CBQ). The CBQ merged into Burlington Northern Railroad Company (BN) in 1970. BN merged in 1995 with the Atchison Topeka and Santa Fe Railway Company to become The Burlington Northern and Santa Fe Railway Company (BNSF).

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

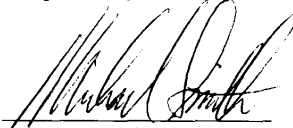
(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

It is the opinion of the Nebraska State Historical Society that the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. The Nebraska State Historical Society requests notification of any unsuspected archaeological remains that may be uncovered during the process of project construction. See Exhibit J, letter from the Nebraska State Historical Society.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: May 14, 2003

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on April 14, 2003, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

L. Robert Puschendorf
Deputy State Historic Preservation Officer
State Historic Preservation Office
Nebraska State Historical Society
P.O. Box 82554
Lincoln, NE 68501-2554

U.S. Department of the Interior
National Park Service
Land Resource Division
1849 C Street, N.W.
Washington, DC 20240

Mel Schlagel
Bureau of Land Management
Wyoming State Office
5353 Yellowstone
P.O. Box 1828
Cheyenne, WY 82003-1828

Michael Rabbe
U.S. Army Corps of Engineers
Omaha District
Nebraska Regulatory Office – Kearney
1430 Central Avenue, Suite 4
Kearney, NE 68847-6856

Jim Fuller
Parks Division
Nebraska Game and Parks Commission
2200 N. 33rd Street
Lincoln, NE 68503

Bruce Sackett
Nebraska Game and Parks Commission
2200 North 33rd Street
Lincoln, NE 68503

Ronald Gestring
Chairman
Board of Commissioners of Webster
County
621 N. Cedar
Red Cloud, NE 68970

Natural Resources Conservation Service
Red Cloud Service Center
20 N Webster St
Red Cloud, NE 68970-2646

U.S. Fish & Wildlife Service
Regional Director
P.O. Box 25486
Denver, CO 80025

Lonnie Knehans
Webster County Clerk
621 N Cedar St
Red Cloud, NE 68970

Dan Rosenthal
Public Transportation Engineer
Nebraska Department of Roads
PO Box 94759
Lincoln NE 68509

Nebraska Public Service Commission
300 The Atrium
1200 N Street
P.O. Box 94927
Lincoln, NE 68509-4927

Steve Anschutz
Nebraska Field Supervisor
U.S. Fish & Wildlife Service
Ecological Services
203 West Second Street
Grand Island, NE 68801

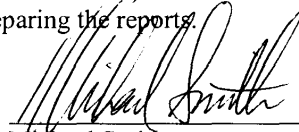
Jim Yeggy
NPDES Permits Unit
Water Quality Division
Nebraska Department of
Environmental Quality
1200 "N" Street, Suite 400
PO Box 98922
Lincoln, Nebraska 68509-8822

Steve Chick
State Conservationist
Natural Resources Conservation Service
Federal Building, 100 Centennial Mall No.
Lincoln, NE 68508-3866

Edward McKay
National Geodetic Survey
NOAA - SSMC3
1315 East-West Highway
Silver Spring, MD 20914

U.S. Environmental Protection Agency
Region 7
901 North 5th St.
Kansas City, KS 66101

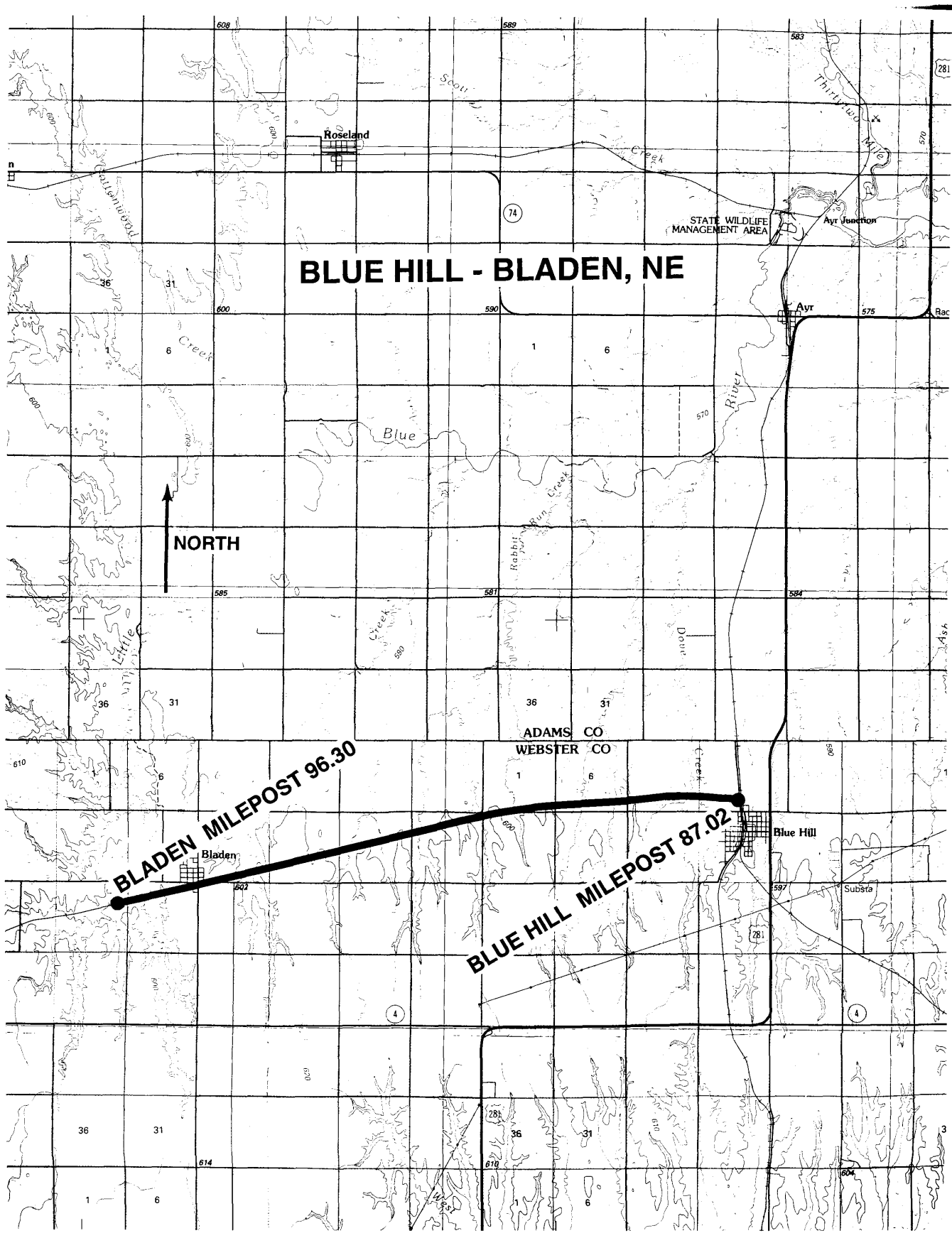
The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: May 14, 2003

A



B

Board of Commissioners

Webster County, Nebraska



Webster County
Courthouse
621 North Cedar
Red Cloud, NE 68970

Ronald Gestring
District One

Walter Witte
District Two

Wally Bean
District Three

John Soucek
District Four

Jess Petsch
District Five

Lonnie Knehans
County Clerk
402-746-2716

December 3rd, 2002

ATTN: Brian Nettles
FREEBORN & PETERS
311 South Wacker Drive
Suite 300
Chicago, IL 60606-6677

RE: Burlington Northern and Santa Fe Railway Co.
Abandonment from Blue Hill, NE to Bladen, NE

Dear Mr. Nettles:

In response to your letters to the Webster County Clerk dated November 14, 2002 on the proposed plans by BN/SF to abandon 9.28 miles of railroad between Blue Hill, Nebraska to Bladen, Nebraska, the Board of Commissioners of Webster County has reviewed the proposed plan at a regular business meeting of the County Board.

The County Board has determined that there should be no issue where the proposed abandonment would affect any 100-year flood plains.

The County Board has also determined that the proposed action is consistent with local land use plans and there is not a desire for alternate public use for the corridor such as a recreational trail.

If the BN/SF plans are approved by the "STB", it is the County Board of Commissioner's request that the abandoned railroad right-of-way be returned to adjoining landowners by granting them a deed for this real estate.

Thank You for your consideration. If you have questions or comments, please contact us.

Respectfully Submitted,

Ronald Gestring
Ronald Gestring, Chairman
Board of Commissioners
Webster County, Nebraska



C



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

Nebraska NRCS State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866

February 11, 2003

Brian Nettles
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Brian:

This letter is concerning the Burlington Northern and Santa Fe Company Abandonment of Blue Hill, Nebraska, to Bladen, Nebraska. Since the area to be abandoned is not cropland, it will not effect any Farmland Protection Policy Act (FPPA) provisions. FPPA would be a concern if cropland that contains prime farmland soils would be converted to non-cropland using Federal funding. Proceed with the abandonment.

If you need further assistance, please contact Tim Schaaf at our York Office. His number is 362-5700 Extension 3.

Sincerely,


STEPHEN K. CHICK *Acting*
State Conservationist

cc:

Kenneth E. Noonan, ASTC/FO, NRCS, Lincoln SO
Marvin Brown, SRC, NRCS, Lincoln SO
Dan Bauman, RC, NRCS, Red Cloud FO

D



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / <http://www.ngpc.state.ne.us/>

November 20, 2002

Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago IL 60606-6677

**RE: Burlington Northern and Santa Fe Railway Company Abandonment:
Blue Hill to Bladen, Webster County, Nebraska.**

Dear Mr. Nettles:

This responds to your letter of November 14, 2002 requesting Game and Parks Commission review of the proposed action identified above. The project involves abandonment of 9.28 miles of right-of-way within a largely row-crop agricultural land use region.

There are no wildlife management areas, wildlife refuges, or public access recreation areas adjacent to the proposed abandonment. Our review of Nebraska Natural Heritage database and maps indicates no documented occurrence of threatened/endangered species or their critical habitats in the affected area. Please advise if further review is required.

Sincerely,

for Bruce K. Sackett
Division Administrator
Realty/Environmental Services Division

BKS:pz

E



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

November 19, 2002

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Dear Mr. Nettles:

This responds to your November 14, 2002, letter requesting comments from the U.S. Fish and Wildlife Service (Service) on a proposal by the Burlington Northern and Santa Fe Railroad Company to abandon 9.28 miles of railroad line between Milepost 87.02 near Blue Hill, Nebraska to Milepost 96.30 near Bladen, Nebraska. These comments are provided as technical assistance and predevelopment consultation and do not constitute a Service report under authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) on any required Federal environmental review or permit.

The Service has responsibility, under a number of authorities, for conservation and management of fish and wildlife resources. Chief among the federal statutes with which our office deals are the Coordination Act, Endangered Species Act of 1973, and the National Environmental Policy Act. The Coordination Act requires that fish and wildlife resources be given equal consideration in the planning, implementation, and operation of Federal and federally funded, permitted, or licensed water resource developments. Section 7 of the Endangered Species Act of 1973 outlines procedures for interagency consultations on the effects of Federal actions on federally listed threatened and endangered species. The Service participates in scoping and review of actions significantly affecting the quality of the environment under authority of the National Environmental Policy Act. In addition to these statutes, the Service has authority under several other legislative, regulatory, and executive mandates to promote conservation of fish and wildlife resources for the benefit of the public.

In Nebraska, the Service has special concerns for migratory birds, endangered and threatened species, and other important fish and wildlife resources. We also are concerned about any impacts on Federal and State wildlife refuges and management areas and other public lands, as well as to other areas that support sensitive habitats. Habitats frequently used by important fish and wildlife resources are wetlands, streams, and riparian (streamside) woodlands. Special attention is given to proposed developments that include modification of wetlands, or stream alteration, or contamination of important habitats. The Service recommends ways to avoid, minimize, rectify, reduce, or compensate for damaging impacts to important fish and wildlife resources and their habitats that may be attributed to land and water resource development proposals.

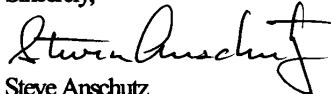
We have reviewed the plans for the proposed project and offer the following comments:

- a. The proposed project does not appear to impact federal fish and wildlife management facilities.
- b. No federally listed or proposed threatened or endangered species are expected to occur within the project area.

Based upon the submitted information, we have no objection to the proposal as currently planned. However, should the plans be modified, we recommend that you reinitiate coordination with this office.

Should you have any further questions, please contact Mr. Wally Jobman within our office at (308)382-6468, extension 16. Thank you for the opportunity to offer comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Anschutz", written in a cursive style.

Steve Anschutz
Nebraska Field Supervisor

cc: NGPC; Lincoln, NE (Attn: Julie Godberson)

F



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

In Reply Refer To:
2000/2800
(921 Schlagel)

November 22, 2002

Mr. Brian Nettles
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

In your November 14, 2002, letter, you indicate that BNSF plans to abandon 9.28 miles of railroad line between Blue Hill Nebraska and Bladen, Nebraska. You need to know whether or not there are "any wildlife sanctuaries or refuges, National or State parks or forests in the proposed project impact area and if so, what effects would occur" if the rail line is abandoned.

BLM manages public lands, and our land status records indicate that there are no public lands on or near the project. If you would like to obtain information about wildlife refuges you need to contact the U.S. Fish and Wildlife Service. Information about National Parks can be obtained from the National Park Service, and the National Forest Service could provide information about National Forests. You may wish to contact the State of Nebraska about State refuges or State Parks.

If you have any further questions, feel free to contact Mel Schlagel at 307-775-6257.

Sincerely,

Mel Schlagel
Realty Officer

G

Freeborn & Peters

November 14, 2002

Jim Yeggy
NPDES Permits Unit
Water Quality Division
Nebraska Department of Environmental
Quality
1200 "N" Street
P.O. Box 98922
Lincoln, NE 68509-8822

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Franklin, Nebraska to Red Cloud, Nebraska***

Dear Mr. Yeggy:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 9.28 miles of railroad line between Milepost 87.02 near Blue Hill, Nebraska to Milepost 96.30 near Bladen, Nebraska.


As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or NPDES are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,


Brian Nettles

/dab
Enclosure

Chicago

Springfield

H



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE - KEARNEY
1430 CENTRAL AVENUE SUITE 4
KEARNEY, NE 68847-6856

January 24, 2003

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This letter is in regard to the Burlington Northern and Santa Fe Railway Company abandonment of 9.28 miles of railroad track between Milepost 87.02 near Blue Hill, Nebraska and Milepost 96.30 near Bladen, Nebraska.

After reviewing the materials you provided, the project will not require a Department of the Army permit. If, in the future, you plan to place fill material in any waters of the United States please provide this office with an application for review for possible permit requirements. Although a Department of the Army permit pursuant to Section 404 of the Clean Water Act and/or Section 10 of the River and Harbor Act is not required for this project, this does not eliminate the requirement that you obtain other applicable Federal, State, Tribal and/or Local permits as required.

If you have any questions regarding this matter, please feel free to contact me at (308) 234-1403 and refer to file number NE 02-11495.

Sincerely,

A handwritten signature in cursive script, reading "Keith Tillotson", is positioned above the typed name.

Keith Tillotson
Senior Project Manager

I

Nebraska Division

Lester Subdivision

*Bladen, Nebraska (M.P. 96.30) to Blue Hill, Nebraska, (M.P.
87.02)*

Abandonment Documentation

Abandonment Documentation (M.P. 96.30 to M.P. 87.02)

List of Bridges

Bridge: 87.82	Built: 1930	Length: 137'	Height: 30"	Type: Open Deck Pile Trestle	Obstacle: Water
Bridge: 89.38	Built: 1931	Length: 133'	Height: 30"	Type: Open Deck Pile Trestle	Obstacle: Water
Bridge: 90.77	Built: 1930	Length: 142'	Height: 29"	Type: Open Deck Pile Trestle	Obstacle: Road
Bridge: 92.64	Built: 1925	Length: 99'	Height: 21"	Type: Open Deck Pile Trestle	Obstacle: Water
Bridge: 94.08	Built: 1929	Length: 112'	Height: 24"	Type: Open Deck Pile Trestle	Obstacle: Water
Bridge: 95.62	Built: 1929	Length: 176'	Height: 34"	Type: Open Deck Pile Trestle	Obstacle: Water
Bridge: 96.09	Built: 1973	Length: 150'	Height: 28"	Type: Open Deck Pile Trestle	Obstacle: Water

Milepost : 87.82

Year Built : 1930

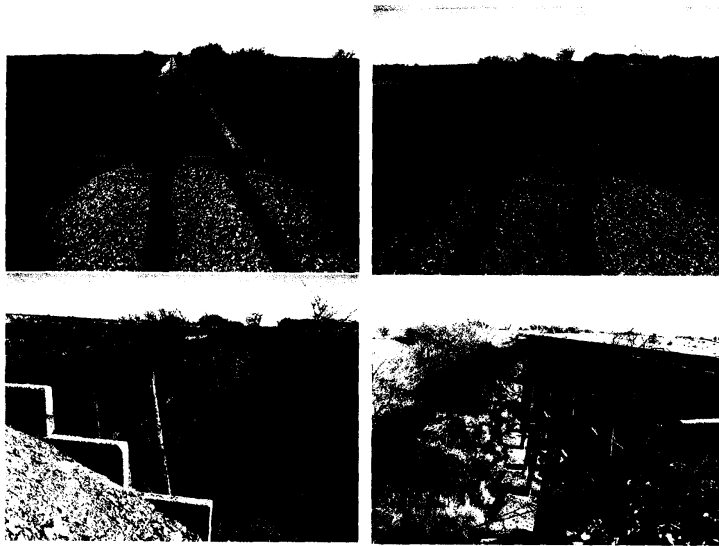
Obstacle : Water

Length : 137 ft.

Height : 30 ft.

Type : Open Deck

Bladen Line / Lester Sub / Nebraska Division



Milepost : 90.77

Length : 142 ft.

Bladen Line / Lester Sub / Nebraska Division

Year Built : 1930

Height : 29 ft.

Obstacle : Road

Type : Open Deck



Milepost : 89.38

Length : 133 ft.

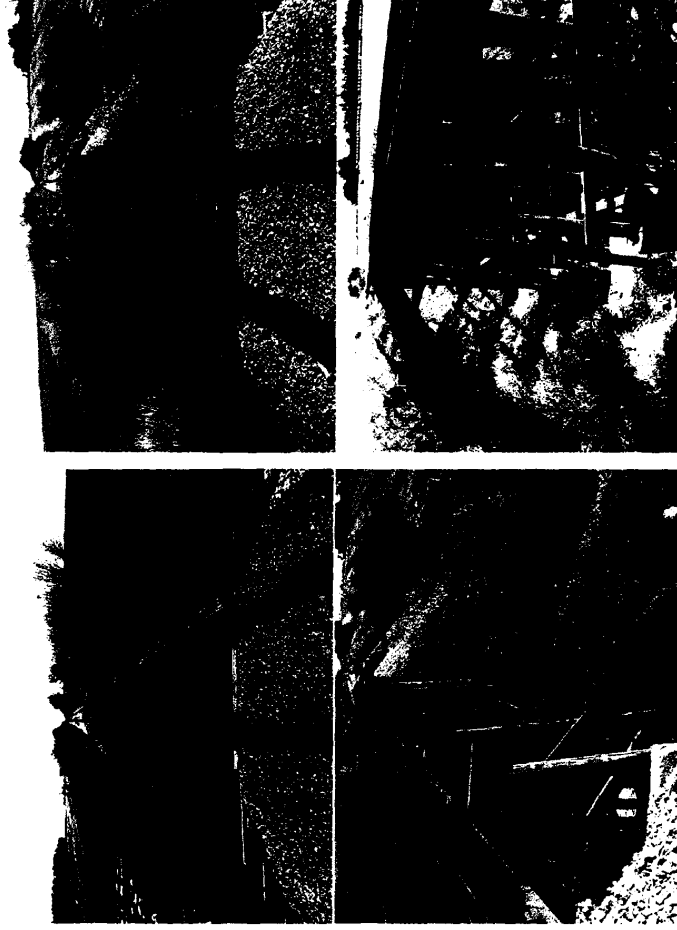
Bladen Line / Lester Sub / Nebraska Division

Year Built : 1931

Height : 30 ft.

Obstacle : Water

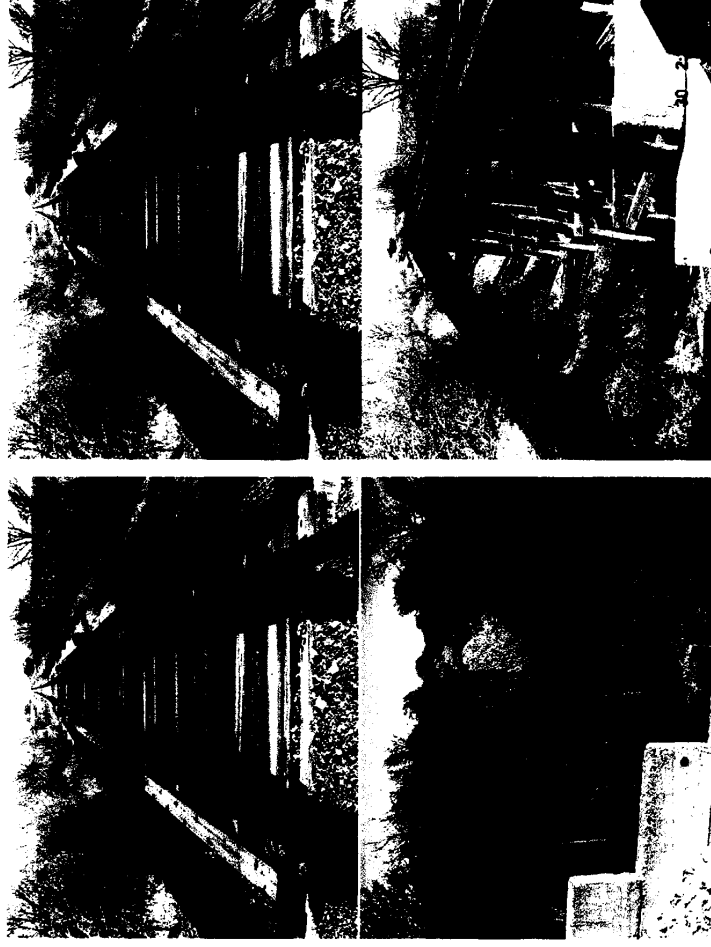
Type : Open Deck



Milepost : 92.64 Year Built : 1925 Obstacle : Water
Length : 99 ft. Height : 21 ft. Type : Open Deck
Bladen Line / Lester Sub / Nebraska Division



Milepost : 94.08 Year Built : 1929 Obstacle : Water
Length : 112 ft. Height : 24 ft. Type : Open Deck
Bladen Line / Lester Sub / Nebraska Division



Milepost : 95.62

Length : 176 ft.

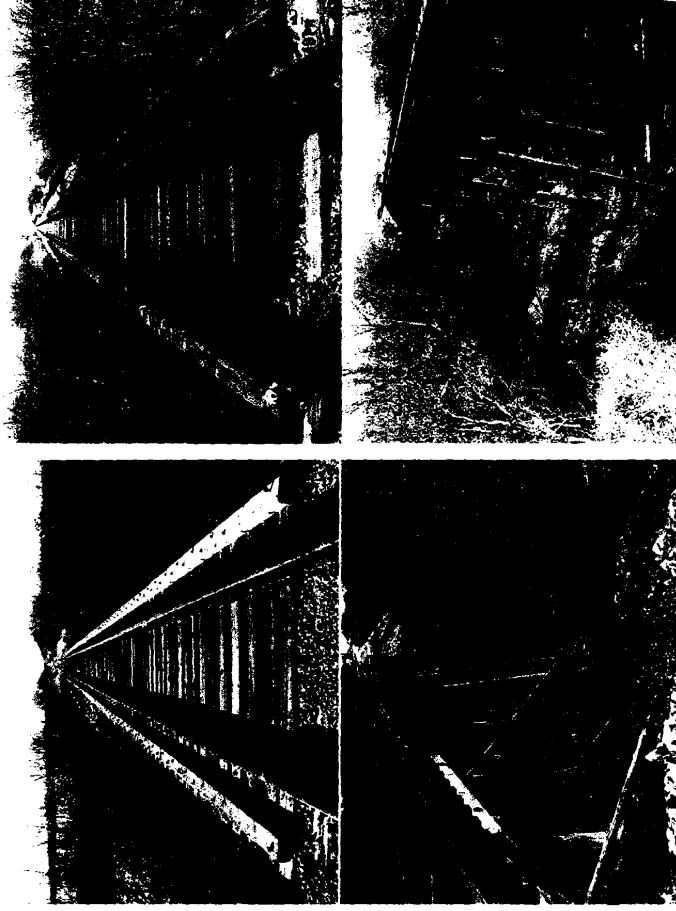
Bladen Line / Lester Sub / Nebraska Division

Year Built : 1929

Height : 34 ft.

Obstacle : Water

Type : Open Deck



Milepost : 96.09

Year Built : 1973

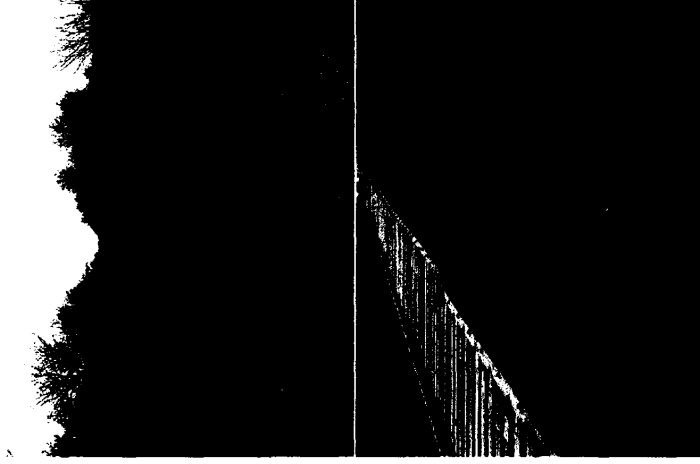
Obstacle : Water

Length : 150 ft.

Height : 28 ft.

Type : Open Deck

Bladen Line / Lester Sub / Nebraska Division



J



NEBRASKA STATE HISTORICAL SOCIETY

1500 R STREET, P.O. BOX 82554, LINCOLN, NE 68501-2554
(402) 471-3270 Fax: (402) 471-3100 1-800-833-6747 www.nebraskahistory.org

January 15, 2003

Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

RE: Burlington Northern & Santa Fe Railway Company Abandonment of
Blue Hill to Bladen, Nebraska
HP #0212-053-01

Dear Mr. Nettles:

Thank you for submitting the referenced project proposal for our review and comment. Our comment on this project and its potential to affect historic properties is required by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR Part 800.

Given the information provided, in our opinion there will be no historic properties affected by the project as proposed. Therefore, in accordance with 36 CFR 800.4(d)(1), you may proceed with the project as planned. Should any changes in the project be made or in the type of funding or assistance provided through federal or state agencies, please notify this office of the changes before further project planning continues.

There is always the possibility that previously unsuspected archaeological remains may be uncovered during the process of project construction. We request that this office be notified immediately under such circumstances so that an evaluation of the remains may be made, along with recommendations for future action.

Please retain this correspondence and your documented finding in order to show compliance with Section 106 of the National Historic Preservation act, as amended. If you have any questions, please do not hesitate to contact Greg Miller at 402/471-4775.

Sincerely,

L. Robert Puschendorf
Deputy State Historic Preservation Officer
Nebraska State Historic Preservation Office